



10-2004

155/1651
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Maingault, P. *et al.*

Group Art Unit: 1651

Application No.: 09/364,908

Examiner: Witz, J.C.

Filed: July 27, 1999

Attorney Docket No.: 43869.016200

For: SYSTEM FOR TREATING WOUNDS AND METHOD FOR PRODUCING THIS SYSTEM

MAIL STOP APPEAL BRIEF-PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPEAL BRIEF

Sir:

This is an appeal from the final rejection of claims 17 to 35 which are all of the claims pending in this application.

REAL PARTY IN INTEREST

This application is assigned to Les Laboratoires Brotherier.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF THE CLAIMS

The instant application was filed continuing original claims 1 to 16. Claims 1 to 16

were cancelled and replaced with claims 17 to 35. In the amendment filed on March 18, 2002, claim 17 was amended. Pending claims 17 to 35 are the claims on appeal in this

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FC:2402 2002, claim 17 was amended. Pending claims 17 to 35 are the claims on appeal in this

Wny2-srv01V742986v01

FEE VALUE	
ACCOUNTABILITY	
DEPOSIT ACCOUNT NO.	
50	1561
FEE	VALUE
CODE	FURNISHED
2402	16504

CONCLUSION

Appellant urges for the reasons given above that the present claims are allowable over the applied prior art. The Examiner is requested to reconsider the §102 and §103 rejections and withdraw these rejections.

If the Examiner maintains these rejections, appellant respectfully request that the Board reverse the Examiner's §102 and §103 rejections.

Dated: 06/21/09

Respectfully submitted,

By: Eugene C. Rzucidlo
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Registration No. 31,900
Customer Number: 32361

JUN 21 2004
PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 665

Complete If Known

Application Number 09/364,908
Filing Date July 27, 1999
First Named Inventor Maingault, P. et al.
Examiner Name Witz, J.C.
Art Unit 1651
Attorney Docket No. 43869.016200

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1561
Deposit Account Name Greenberg Traurig LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	-20** = 0	0	\$0
Independent Claims	0	-3** = 0	\$0
Multiple Dependent		\$0	\$0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	\$665
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			665

SUBMITTED BY

Name (Print/Type) Eugene C. Rzucidlo Registration No. 31.900 Telephone 212-801-2100
Signature [Signature] (Attorney/Agent) Date June 21, 2004

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